

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
**April 2, 2008**

**7:30 P.M.**  
**Room 206 Town Hall**

Chairman Hillman called the meeting to order at 7:30 P.M. Commission Members Present: Peter Hillman, Craig Flaherty, Ellen Kirby, Pete Kenyon, Rick Rohr, and Susan Cameron

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first agenda item:

EPC-16-2007, 5 Holly Lane Associates (formerly Patrick Goulding and Anna Zaranski), proposing an amendment to the drainage plan and a sump pump discharge to a regulated area.

Attorney Maslan represented the applicant. He said the prior owner applied to EPC for a demolition and rebuild on the lot. He described the original grading plan and submitted photos of the property. He said the alternatives to solving the problem (excess water resulting from the newly constructed basement) are to pipe to the watercourse or the Town drainage system. He provided a copy of the Town drainage connection policy.

Todd Ritchie, P.E., Stearns and Wheler, said they were originally a sub-contractor to Environmental Land Solutions. He said there was and still is no increase in impervious surface on the site. He said there will actually be a decrease due to the gravel driveway and the removal of the asphalt. He said the Cul-tech units were required by P&Z.

Mr. Hillman said there was significant public interest in the application and a public hearing would be scheduled. He said the Commission would hire their own engineer and suggested Barry Hammons. The Commission scheduled the public hearing for May 7.

Attorney Wilder Gleason spoke on behalf of Mr. & Mrs. Depp. He submitted a petition for a public hearing.

Mr. Flaherty said he would like more information. He asked for the relationship of the level of the pump to the level of the slab. He asked if it would be feasible or preferable to discharge to the infiltrators prior to discharging to the drywell. He asked for soil profiles in the area surrounding the infiltrators.

Mr. Kenyon asked about when the hand dug trench was dug.

Mr. Hillman read the next agenda item:

EPC-06-2008, Kevin Kovtun, 12 Silver Lakes Drive, proposing a brick patio and landscaping within the upland review area.

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Mr. Kovtun represented himself. He said the base of the patio would be trap rock to allow drainage. The surface would be brick pavers.

Mr. Flaherty said the pavers and stone dust may prevent movement of water through the patio and suggested spaces between the pavers.

Ms. Cameron asked if there would be filling and grading required. Mr. Kovtun said the area is level enough that they would only excavate a minimal amount. He said there would be stepping stones imbedded in the slope.

Mr. Kenyon asked him to confirm the soil survey.

Mr. Flaherty asked for a cross section of the pavement surface.

Ms. Cameron asked for a planting plan to replace the invasive to be removed.

The application was continued to April 16.

Mr. Hillman read the next agenda item:

EPC-09-2008, Land Trust of Darien, Valley Forge Road, proposing pond dredging and dam repair.

Richard Windels represented the applicant. He described the existing site conditions. He said they would be removing about 50 cubic yards of sediment. He said they would be replacing the row of Hemlocks with an providing a rain garden.

Mr. Flaherty made a motion to approve the application. Mr. Armstrong seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-03-2008, James Goulard, Trustee for the Estate of Marion Reed Goulard, 18 Overbrook Lane, proposing a two lot subdivision and related construction activities within an upland review area.

The Commission reviewed the draft resolution and made revisions.

Mr. Kenyon made a motion to approve the application. Mr. Rohr seconded the motion and it passed unanimously.

EPC-85-2006, John and Tricia Gallagher, requesting an amendment to change a patio location within an upland review area.

Todd Ritchie, P.E., represented the applicant. He said they revised the proposed revisions to the patio.

Ms. Cameron said the original plan showed the terrace outside the upland review area.

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Mr. Flaherty said he was comfortable with the plan since there was a reduction in impervious surface and no significant increase in grading.

Mr. Hillman made a motion to approve the amendment. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Hillman asked the members for a consensus on new applications that will require a public hearing. He read the following item:

EPC-15-2008, Steven and Barbara Kisken, 12 Brown Street, proposing demolition of existing house and new house construction within an upland review area.

Mr. Hillman said he did not see any need to retain an independent expert. The Commission scheduled the application for public hearing on May 7.

Mr. Hillman read the next agenda item:

EPC-16-2008, Mark Alex Maidique, 00 Raymond Street, proposing house and shed demolition, and grading activity related to two new residences, within an upland review area.

Mark Maidique represented himself.

The Commission determined that there may be a significant impact to the regulated area and decided a public hearing would be necessary. The Commission will retain Land-Tech Associates to review the application. Mr. Flaherty asked for more information on the basement levels and groundwater levels.

The Commission scheduled the public hearing for May 7.

Mr. Hillman read the next two agenda items:

EPC-18-2008, Mitchell and Kerry Ross, 10 Nickerson Lane (Lot 10), proposing an amendment to the Inland Wetlands and Watercourses Map.

EPC-19-2008, Mitchell and Kerry Ross, 10 Nickerson Lane (Lot 11), proposing an amendment to the Inland Wetlands and Watercourses Map.

Attorney Robert Maslan represented the applicant.

The Commission determined that there may be a significant impact and a public hearing would be in the public interest. The Commission scheduled the public hearing for May 7.

Mr. Hillman read the next two agenda items:

EPC-13-2008, Alex Kaali-Nagy, 129 Five Mile River Road, demolition of existing house, new house construction, and swimming pool construction, within an upland review area. The site is shown on Assessor's Map #67 as Lot #3B.

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EPC-14-2008, Foster Kaali-Nagy, 125 Five Mile River Road, proposing new house construction and swimming pool construction within an upland review area. The site is shown on Assessor's Map # 67 as Lot #3A.

Mr. Kaali-Nagy represented himself. He introduced Robert Frangione, P.E.

The Commission determined that a hearing would be in the public interest. The Commission scheduled the public hearing for May 7.

Ms. Cameron asked that the trees to be removed be flagged in the field.

Mr. Hillman read the next agenda item:

EPC-11-2008, Thu and Ron Armstrong, 28 Granaston Lane, proposing a house addition within an upland review area.

Mr. Armstrong represented himself.

Mr. Hillman said the soil report shows no wetland on the property. The proposed addition is within 50 feet of a wetland on an adjacent property.

Mr. Flaherty made a motion to approve the application. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-12-2008, John and Dudley MacFarlane, 71 Five Mile River Road, proposing utility trenching, driveway replacement, covered walkway, and related landscaping within an upland review area..

David Aiello, Mark Finlay Architects, represented the applicant. He outlined the regulated activities.

Ms. Kirby asked if the generator will be located in the flood zone. Mr. Aiello said it would be above the flood elevation.

Mr. Hillman made a motion to approve the application. Mr. Rohr seconded the motion with a condition that the generator be compliant with the flood regulations. The motion passed unanimously.

Mr. Hillman read the next agenda item:

EPC-17-2008, Karen F. and Michael D. Gregorich, 41 Buttonwood Lane, proposing house additions and related construction within an upland review area.

Sean O'Kane represented the applicant. He described the proposed additions. He said they are proposing Cul-tech units for the roof leaders and a rain garden for the driveway runoff.

Mr. Hillman asked about a landscape plan. Mr. O'Kane said one would be provided.

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Ms. Cameron asked for details on soil compaction in the rain garden area.

Mr. Rohr asked if they could avoid tree removal. Mr. O'Kane said the Ash trees are in bad shape. Mr. Hillman asked for an arborist's report on the trees.

Mr. Kenyon asked if they considered grass pavers. Mr. O'Kane said the pavers do not provide a practical surface. He said they are removing pavement within the upland review area.

Mr. Flaherty asked for a detail of the rain garden and planting plan. He asked if they had done soil testing in the area of the infiltrators. Mr. Kane said no. Mr. Flaherty asked for a deep hole test in each area and a perc. test.

The application was continued until May 7.

Mr. Hillman recognized Holly Kelly of the Charter Revision Committee. He made a motion to add discussion of the charter revision to the agenda. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Hillman asked if there were any proposed changes that will affect EPC. Ms. Kelly said the EPC exists because of the RTM and State Statutes. There are no changes affecting EPC. Ms. Cameron said she would like the ability to form a new department.

Mr. Hillman called the public hearing item.

EPC-10-2008, Gloria Gouveia, 25 Brookside Road, proposing a revision to an approved two lot subdivision to construct one new house within the upland review area.

Gloria Gouveia represented the applicant. She provided the proof of mailing to adjacent owners. She said the reason the lot has not been built on is that her client intended to build a modular home and could not find a modular plan to fit the property. She said they attempted to add additional mitigation in exchange for the requested changes in the house footprint.

Kate Throckmorton, Environmental Land Solutions, said they have increased the buffer area plantings and decreased the lawn within the wetland. She said they have substituted a pervious surface for a portion of the approved paved area.

Larry Edwards, P.E., described the differences in fill within the flood plain as an additional 300 cubic feet. He said they are providing stone under the slab for storage and additional storage units.

Ms. Cameron said the site was under water during the April storm. She provided photos of a nearby Prospect Street property. She asked how they would prevent sediment from clogging the weep holes. Mr. Edwards said they could screen the weep holes but there will not be a heavy sediment load in the floodwater. These are not frequent events so there would not be an opportunity for sediment buildup.

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Mr. Kenyon said the current standards of storms need to be recalibrated. Mr. Edwards said they have increased storage by 50% and will review providing additional storage on the south side of the house. He said the project will help properties downstream.

Mr. Flaherty said that the body of evidence on flooding since 2005 would mean a more rigorous review of properties. He asked if the applicant had considered the conveyance capacity of the Goodwives River. Mr. Edwards said no, that type of modeling would be done on a large scale basis.

Mr. Flaherty said he would be against putting filter screens on the foundation holes. He said the void ratio in the stone should be considered closer to 1/3. He said he would be concerned about placing fill in the velocity zone.

Ms. Cameron asked how they would get the modular onto the property. Ms. Gouveia said they would provide a written narrative of the safeguards taken on the property.

Ms. Kirby asked about the stone under the deck. Mr. Edwards described the stone envelope proposed under the deck.

Mr. Flaherty asked why the garage can't be at the north end of the house to allow a greater distance from the river. Mr. Edwards said it would require raising the property more. And a 12-14 foot wall instead of 6-8 feet.

Mr. Rohr asked what the existing driveway grade is. Mr. Edwards said at max 10%.

Ms. Gouveia said the property owner is not a building contractor and would like a modular home. Mr. Hillman said there seemed to be a disconnect between the owner and the consultants.

Mr. Flaherty asked about the alternative of a one bay garage. Mr. Edwards said they would still have a grading issue. Mr. Flaherty said they could remove one bay and remove a portion of the house jutting into the floodplain.

Ms. Cameron asked why they did not just build a stick built house. Ms. Gouveia said they were impressed with the difference in modular construction and stick built in terms of short term disturbance.

The Commission continued the public hearing until May 7.

Ms. Cameron made a motion to adjourn. Mr. Armstrong seconded the motion and it passed unanimously. The meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Richard B. Jacobson  
Environmental Protection Officer